

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rodney Thundercloud,

File No. 19-cv-0448 (ECT/KMM)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Paul Schnell; Tony Lourey; Nancy Johnston; Keith Ellison, Minnesota Attorney General; Kelly Lyn Mitchell, Executive Director of the Minnesota Sentencing Commission; and Jane and John Does, in their official capacities,

Defendants.

The Court has received the June 27, 2019 Report and Recommendation of United States Magistrate Judge Katherine Menendez. ECF No. 8. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 8] is **ACCEPTED**;
2. This matter is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) as follows:
 - a. Plaintiff's claim regarding the condition of treatment amounting to a violation of constitutional rights is **DISMISSED WITHOUT PREJUDICE**; and
 - b. All other claims are **DISMISSED WITH PREJUDICE**; and

3. Plaintiff's application to proceed in forma pauperis [ECF No. 5] is **DENIED AS MOOT.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 23, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court